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Facsimile Transmittal

*Confidential and Privileged
Attorney-Client Communication*

To: Examiner Jehanne Souaya Sitton
U.S. Patent and Trademark Office
Alexandria, VA 22313-1450

Telephone: _____ **Fax:** **571-273-8300**

From: David C. Foster
Telephone: (650) 324-7029

No. of Pages: 9 (including cover)
Date: November 9, 2005

39740-0005A

Re: U.S. Patent Application Serial No. 10/714,195

Filed: November 14, 2003

Title: GENE EXPRESSION PROFILING OF EGFR POSITIVE CANCER

Inventors: Baker, et al.

Our Reference: 39740-0005A

Dear Sir:

PLEASE DELIVER TO EXAMINER JEHANNE SQUAYA SITTON, GROUP NO. 1634

- 1. Transmittal**
 - 2. Preliminary Amendment**

OFFICIAL FILING

Thank you.

CERTIFICATE OF FACSIMILE TRANSMISSION (37 CFR 1.6(d))

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Date: November 9, 2005

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PTO/SB/21 (6-99)

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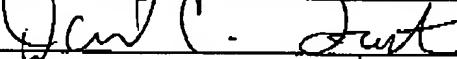
| | | |
|--|--|---|
| TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i> | | Application Number 10/714,195 |
| Total Number of Pages in This Submission | | Filing Date November 14, 2002 |
| | | First Named Inventor Jaffre B. BAKER |
| | | Group/Art Unit 1634 |
| | | Examiner Name Sittou, Jehanne Souaya |
| | | 39740-0005A |

ENCLOSURES (check all that apply)

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| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawings | <input type="checkbox"/> After Allowance Communication to Group |
| <input type="checkbox"/> Fee Attached | | |
| <input checked="" type="checkbox"/> Preliminary Amendment | <input type="checkbox"/> Statement under 3.73(b) | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Assignment | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> Version With Markings Showing Changes | <input type="checkbox"/> Copy of Combined Declaration for Patent Application and Power of Attorney | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input checked="" type="checkbox"/> Additional Enclosure(s) <i>(please identify below):</i> |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input type="checkbox"/> Fax Cover Sheet |
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| <input type="checkbox"/> Response To Missing Parts Under 37 CFR 1.52 Or 1.53 | AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT <u>08-1641</u> FOR ANY FEES DUE IN CONNECTION WITH THIS PAPER. | |
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SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

| | | |
|-------------------------|--|---|
| Firm or Individual name | HELLER EHRMAN LLP | DAVID C. FOSTER, REG. NO.: 44,685 |
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|---------------------------------------|---|-----------------------------------|
| In re application of: |) | Examiner: Sitton, Jehanne Souaya |
| Joffre B. Baker |) | Art Unit: 1634 |
| Application Serial No. 10/714,195 |) | Attorney's Docket No. 39740-0005A |
| Filed: November 14, 2003 |) | Customer No. 25213 |
| For: GENE EXPRESSION PROFILING |) | |
| OF EGFR POSITIVE CANCER |) | |
| |) | |
| |) | |

DATE MAILED: November 9, 2005

PRELIMINARY AMENDMENT

MAIL STOP PATENT APPLICATION
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, Virginia 22313-1450

Dear Sir:

Prior to substantive examination of the above-identified patent application (which is filed concurrently herewith), and prior to calculation of the filing fee, Applicants respectfully request the entry of the following amendment.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 7 of this paper.

-1-

Preliminary Amendment
 Application Serial No. 10/714,195
 Attorney's Docket No. 39740-0005A